IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8284 OF 2004

Shri Narayan Bapu Pisal
and ors. .. Petitioners

vs.

M/s. Sahyadri Engineering
& Welding Works and anr. .. Respondents

None for the petitioners.
Mr. P.S. Dani for respondent no.1.
Mr. A.P. Kulkarni for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : June 08, 2006.

P.C.:

1. The application at Exh. 51 in Special Civil Suit No.298 of 2004 was filed under Section 9A of C.P.C. contending that the suit was not maintainable and the said application has been rejected by the impugned order dated 17/9/2004 by the learned Civil Judge, Senior Division at Kolhapur.

2. In view of the proviso to the amended Section 115 of the C.P.C. the impugned order has to be challenged by filing a Civil Revision Application and

when such a statutory remedy is available, the writ petition under Article 227 of the Constitution cannot be entertained.

3. The petition is, therefore, disposed off with liberty to file Civil Revision Application.

(B.H. Marlapalle,J.)